

Message Text

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42

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DRAFTED BY EB/CBA/BP:DVLA BRIE:BT

APPROVED BY EB/CBA/BP:ROBERT J. BUSHNELL

US PATENT OFFICE:MKIRK

L/EB:TTALLERICO (SUBS)

ARA/PAN:DPEASHOCK

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FM SECSTATE WASHDC

TO AMEMBASSY PANAMA

UNCLAS STATE 082099

E.O. 11652:N/A

TAGS:EIND, PN

SUBJECT:INDUSTRIAL PROPERTY - "SCARNEY BACCARAT"

REFERENCE: PANAMA A-2, JANUARY 2, 1975

1) DEPARTMENT HAS DISCUSSED REPAIR WITH U.S. COPYRIGHT
AND PATENT OFFICE.

2) PATENT OFFICE POINTS OUT THAT PATENT AND TRADEMARK
PROTECTION ARE TERRITORIAL IN NATURE AND APPLY ONLY WITHIN
THE BOUNDARIES OF COUNTRIES ISSUING A PATENT OR REGISTERING
A TRADEMARK. ALTHOUGH UNITED STATES AND PANAMA ARE MEMBERS
OF THE PAN AMERICAN CONVENTION OF FEBRUARY 20, 1925, THIS
CONVENTION DOES NOT GRANT TRADEMARK PROTECTION TO NATIONALS
WITHIN MEMBER STATES, BUT ONLY FACILITATES EFFORTS BY
NATIONALS OF ONE MEMBER STATE TO OBTAIN TRADEMARK PROTECTION
IN OTHER MEMBER STATES.

3) RESEARCH BY PATENT OFFICE DETERMINED THAT JOHN SCARNE
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RPT SCARNE GAMES, INC., IS LISTED AS OWNER OF TRADEMARK

REGISTRATION NUMBER 950724 FOR SCARNEY BACCARAT. WORD BACCARAT IS DISCLAIMED APART FROM MARK, AND REGISTRATION WAS ISSUED FOR USE ON EQUIPMENT FOR PLAYING A CARD TYPE GAME. REGARDING PATENT PROTECTION, NAME JOHN SCARNE IS NOT

LISTED IN U.S. PATENT AND TRADEMARK INDEX OF INVENTORS. FURTHER, NAME OF JOHN SCARNE GAMES, INC., IS NOT LISTED IN U.S. PATENT AND TRADEMARK INDEX OF PATENT ASSIGNEES.

4) COPYRIGHT OFFICE ADVISES THAT A GAME "SCARNEY BACCARAT" HAS BEEN PUBLISHED WITH A COPYRIGHT NOTICE AND REGISTERED UNDER CATEGORY OF BOOKS.

5) PANAMA AND UNITED STATES ARE MEMBERS OF UNIVERSAL COPYRIGHT CONVENTION OF 1952. COPYRIGHT OFFICE STATES THAT ASSUMING SCARNEY BACCARAT GAME WAS PUBLISHED IN UNITED STATES WITH UNIVERSAL COPYRIGHT CONVENTION OF 1952 NOTICE, IT IS ENTITLED TO PROTECTION IN PANAMA IN ACCORDANCE WITH THAT COUNTRY'S NATIONAL COPYRIGHT LAW. UNDER ORDINARY COPYRIGHT PRINCIPLES, PROTECTION FOR A GAME WOULD COVER ONLY ORIGINAL TEXT AND PICTURAL MATERIAL. COPYRIGHT WOULD NOT PROTECT IDEA OR CONCEPT OF GAME. THEREFORE, ANY-ONE MAY PLAY GAME WITHOUT INFRINGING THE COPYRIGHT AND MAY USE THE RULES OF THE GAME WITHOUT INFRINGING THE COPYRIGHT.

6) EMBASSY SHOULD EXPLAIN TO OFICINA ADMINISTRACION DE LOS CASINOS THAT TRADEMARK PROTECTION OF GAME KNOWN AS SCARNEY BACCARAT IN PANAMA SHOULD BE DETERMINED THROUGH DISCUSSIONS WITH APPROPRIATE GOP OFFICIALS. KISSINGER

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Message Attributes

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